

REMARKS

Claims 1-14, 17-81, 83 and 85-92 are pending in the application.

Claims 1-14, 17-81, 83 and 85-92 stand rejected.

Claims 1, 36, 47, 55, 61, 68, 74, 81, and 87 have been amended.

Claims 46, 60, 73, and 86 have been cancelled.

Rejection of Claims under 35 U.S.C. §103

Claims 1-14, 17-81, 83, and 85-92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Khansari et al., U.S. Patent No. 6,446,131 (“Khansari”), in view of Reiss, U.S. Patent Publication No. 2004/0267945 (“Reiss”). Applicants respectfully traverse this rejection. In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Applicants respectfully submit that the proposed combination of Khansari and Reiss fails to disclose each element of independent claim 1. For example, Applicants respectfully submit that the proposed combination of Khansari and Reiss fails to disclose a DPM comprising a previous time interval field and a current time interval field. The Office Action cites the following passage as purportedly teaching this feature:

Aging of each entry 64 in the hash table 58 is also performed. Aging could be performed by reducing each hash table entry 64 by a fractional value at a fixed time frequency. For example, when a new frame is received, a ‘1’ is marked in its corresponding entry in the hash table 58. After every period, the hash table entry 64 is reduced by a fractional value. After the aging time has expired, the corresponding hash table entry is reduced to ‘0’, whereby the frame has been aged out.

Khansari 7:64-8:5 (cited at Office Action, p. 14). Even if Khansari's hash table entries were somehow comparable to the claimed DPMs (a point Applicants do not concede), the cited portions of Khansari give no indication that the entries have more than one field, much less a previous time interval field and a current time interval field, as claimed.

Instead, the above portion of Khansari discloses an entry having only one field. The field has a value which can be set to one and then fractionally reduced to zero. While the value can range from one to zero, at any given instant in time, there is only one value stored in the single field of the entry. This differs markedly from the claimed DPM. The claimed DPM includes both a previous time interval field and a current time interval field, which each hold a value at any given instant in time. Obviously, one infirmity of Khansari is that Khansari's hash table entry is not comparable to either of the claimed fields. Moreover, reading the contents of the claimed DPM at any given instant would produce at least two values: one value for a previous time interval and one value for a current time interval.

For at least the reason that the cited portions of Khansari fail to disclose both a previous time interval field and a current time interval field, and since Reiss is (correctly) not cited as providing anything like this missing disclosure, Applicants respectfully submit that the proposed combination of Khansari and Reiss fails to disclose each limitation of independent claim 1. Similar arguments apply with respect to independent claims 36, 55, 68, and 81, which contain substantially similar limitations.

Furthermore, Applicants respectfully submit that the proposal to combine Khansari and Reiss overlooks the fact that there is no reasonable expectation of successfully combining the two. The Office Action admits that Khansari fails to disclose a plurality of DPMs. Office Action, p. 3. The Office Action proposes combining teachings from the following portion of Reiss with Khansari to cure this deficiency:

Generally (FIG. 10), memory area 560 may be organized as one or more tables T, in turn comprising sub-tables ST₁ through ST_L. Parameter L enables to define an order between the sub-tables, or, at least, a currently in-use sub-table, e.g. ST₁; preferably, an older one of the sub-tables, e.g. ST_L, is also defined, so as to authorize erasure of old footprints, as it will be seen hereinafter.

Reiss ¶ 15 (cited at Office Action, p. 3). The Office Action apparently proposes adding multiple tables to Khansari by somehow using Reiss, with the purported motivation to do so being “to increase the capacity to store previously received packets.” Office Action, p. 3.

However, Khansari discloses that the number of entries which can be indexed is limited by the size of the FCS field. Khansari 7:57-63. Thus, a maximum of 2^{32} entries is addressable without increasing the size of the FCS field, a proposition not suggested by the cited references. Therefore, attempting to modify Khansari by simply adding Reiss’s multiple tables would not be successful since the additional tables provided by Reiss could not be indexed, and so could not be accessed.

For at least the foregoing reasons, Applicants respectfully request the Examiner’s reconsideration and withdrawal of the rejections to claims 1, 36, 55, 68, and 81 (as well as claims 2-14, 17-35, 37-54, 56-67, 69-80, 83, and 85-92 which depend therefrom) and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SD', is written over the closing text.

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